

Senate Bill No. 708

CHAPTER 390

An act to amend Section 49557 of the Education Code, relating to pupil nutrition.

[Approved by Governor September 30, 2015. Filed with
Secretary of State September 30, 2015.]

LEGISLATIVE COUNSEL'S DIGEST

SB 708, Mendoza. Pupil nutrition: free or reduced-price meals: online applications.

(1) Existing law requires each school district and county superintendent of schools maintaining kindergarten or any of grades 1 to 12, inclusive, to provide for each needy pupil one nutritionally adequate, free or reduced-price meal during each schoolday. Existing law requires the governing board of a school district and the county superintendent of schools to make applications for free or reduced-price meals available to pupils at all times during each regular schoolday. Existing law requires the Superintendent of Public Instruction to supervise the implementation of this program and to investigate acts of alleged noncompliance.

This bill would authorize the governing boards of school districts and county superintendents of schools to also make applications for free or reduced-price meals electronically available online. The bill would specify requirements that would have to be met by the governing boards of school districts, county offices of education, and school food authorities who choose to provide access to an online application under this bill.

The bill would require all applications to include clear instructions for families that are homeless or are migrants. To the extent that this provision would impose new duties on local educational agencies, it would constitute a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

The people of the State of California do enact as follows:

SECTION 1. It is the intent of the Legislature to enact legislation to improve access to children from refugee and immigrant households to child nutrition programs.

SEC. 2. Section 49557 of the Education Code is amended to read:

49557. (a) (1) The governing board of a school district and the county superintendent of schools shall make paper applications for free or reduced-price meals available to pupils at all times during each regular schoolday, and may also make an application electronically available online, provided that the online application complies with paragraph (3). Pursuant to federal and state guidelines, the application shall contain clear instructions for families that are homeless or are migrants, and shall also contain, in at least 8-point boldface type, each of the following statements:

(A) Applications for free and reduced-price meals may be submitted at any time during a schoolday.

(B) Children participating in the federal National School Lunch Program will not be overtly identified by the use of special tokens, special tickets, special serving lines, separate entrances, separate dining areas, or by any other means.

(2) A school district and the county superintendent of schools shall use all other paper applications it has for free or reduced-price meals before utilizing the applications pursuant to this subdivision.

(3) If a governing board of a school district, a county office of education, or a school food authority chooses to provide access to an online application for free or reduced-price meals pursuant to paragraph (1), the online application shall comply with all of the following requirements:

(A) Include a link to the Internet Web site on which translated applications are posted by the United States Department of Agriculture, with instructions in that language that inform the applicant how to submit the application. The Legislature finds and declares that federal guidelines require school food authorities to accept and process these applications if they are submitted to the school food authority.

(B) Require completion of only those questions that are necessary for determining eligibility.

(C) Include clear instructions for families that are homeless or are migrants.

(D) Comply with the privacy rights and disclosure protections established by the federal Richard B. Russell National School Lunch Act (Public Law 113-79) and the federal Children's Online Privacy Protection Act of 1998 (Public Law 105-277).

(E) Include links to all of the following:

(i) The online application to CalFresh.

(ii) The online single state application for health care.

(iii) The Internet Web page maintained by the State Department of Public Health entitled "About WIC and How to Apply," or another Internet Web page identified by the State Department of Public Health that connects families to the Special Supplemental Nutrition Program for Women, Infants and Children.

(iv) The Internet Web site of a summer lunch program authorized to participate within the city or school district.

(F) No online application for free or reduced-price meals shall be made available online or made accessible online by a school district, a county office of education, or a school food authority if the online application allows for the information provided by an applicant to be used by a private entity for any purpose not related to the administration of a school food program, or if the online application requires an applicant to waive any right or to create a user account in order to submit the application.

(b) The governing board of each school district and each county superintendent of schools shall formulate a plan, which shall be mailed to the State Department of Education for its approval, that will ensure that children eligible to receive free or reduced-price meals and milk shall not be treated differently from other children. These plans shall ensure each of the following:

(1) Unless otherwise specified, the names of the children shall not be published, posted, or announced in any manner, or used for any purpose other than the federal National School Lunch Program.

(2) There shall be no overt identification of any of the children by the use of special tokens or tickets or by any other means.

(3) The children shall not be required to work for their meals or milk.

(4) The children shall not be required to use a separate dining area, go through a separate serving line, enter the dining area through a separate entrance, or consume their meals or milk at a different time.

(c) When more than one lunch or breakfast or type of milk is offered pursuant to this article, the children shall have the same choice of meals or milk that is available to those children who pay the full price for their meal or milk.

SEC. 3. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.